IN THE HIGH COURT OF PUNJAB AND HARYRNA AT CHANDIGARH

C.O.C.P. No.573 of 2006
Date of Decision:- 11.9.2006

Om Parkash Sharma ....Petitioner

through
Mr.Naresh Prabhakar, Advocate

vs.

Sarvesh Kaushal & anr. ....Respondents

through
Mr.G.S.Cheema, Sr.DAG, Punjab

***

CORAM:-HON'BLE MR.JUSTICE SURYA KANT

***

SURYA KANT, J.

Smt.Kailash Sharma-the deceased, filed C.W.P.No.2073 of 1988 which was partly allowed by a learned Single Judge of this Court vide judgment dated 7.1.2004 to the extent that the punishment of removal from service was set aside and it was ordered to be substituted with that of compulsory retirement with effect from 1.7.1982. Letters Patent Appeal No. 261 of 2004 preferred by the State of Punjab against the said judgment was also dismissed by this Court on 28.10.2005.

Alleging non-compliance of the above-stated judgment/orders, this contempt petition has been filed.

In response to the show cause notice, an affidavit has been filed by Mr.Surinder Singh Atwal, District Education Officer (S.E.), Kapurthala for and on behalf of both the respondents which is taken on record. Along with the affidavit, a copy of the order dated 20.6.2006 (Annexure R1/T) has been appended whereby late Smt.Kailash Sharma has been treated to have been compulsorily retired from service with effect from 1.7.1982. A

certificate and report of the Accountant General (A&E), Punjab regarding admissibility of pension/death-cum-retirement gratuity to Smt.Kailash Sharma, issued on 22.8.2006 (Annexure R-II) has also been appended. In addition, a copy of the receipt vide which husband of the deceased-employee had received a sum of Rs.8063/- towards DCRG, has also been attached as Annexure R-3.

Mr.Cheema, on instructions from Mr.Surinder Singh Atwal, District Education Officer, Kapurthala, who is present in Court, states that the arrears of pension/family pension shall be paid to the husband of the deceased-employee within a period of two months.

In view of the above-stated stand taken by the respondents and the statement made before this Court, since the directions issued by this Court stand substantially complied with, no further action is required to be taken except to direct the respondents as well as the District Treasury Officer, Kapurthala, to ensure that all the dues in respect of the deceased-employee be released and actually paid, failing which the respondents as well as the District Treasury Officer, who is presently posted, shall be personally responsible to pay interest which may be awarded to the petitioner by this Court in future.

Rule discharged.

A copy of this order be handed over to Mr.Cheema, learned Sr.DAG, Punjab for information and necessary compliance.

September 11, 2006 **(SURYA KANT)**
poonam **JUDGE**